

On September 14, 1932, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 packages of Granger liver regulator at Montgomery, Ala., alleging that the article had been shipped in interstate commerce, on or about April 27, 1932, by the Granger Medicine Co. (Estorge Drug Co.), from New Iberia, La., to Montgomery, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of senna and a small proportion of other plant material.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Liver Regulator For Diseases of the Liver, * * * Dyspepsia, Biliousness, Bilious Colic, Pains in Head, Pains in Back, Inflammation of Kidneys, Inflammation of Stomach and Bowels. * * * Liver Regulator for Liver and Kidney Complaints"; (tin box) "Formerly Liver Regulator * * * Known to be useful in diseases of the Liver and Kidneys. * * * For Chronic Liver Complaints. * * * Biliousness, Colic, Sick Headache, Inflamed Kidneys, Pains in Back"; (yellow circular) "Directions For Using Granger Liver Regulator: * * * Torpid Liver—Take one to three teaspoonfuls at bedtime the first night, and one to two the second night; then commence with a half to one teaspoonful after each meal. Continue until the Liver is acting fully. Sick Headache—Take one teaspoonful four times a day at meals and at bedtime. A few days is generally sufficient, but the treatment should be continued until the head is clear and free from pain. Indigestion— * * * Piles and Biliousness—This is a very annoying and distressing disease, * * * take a half to one teaspoonful four times a day, at meals and at bedtime, until relieved"; (white circular) "Granger's Liver Regulator * * * to relieve biliousness * * * indigestion."

On November 1, 1932, the Granger Medicine Co., Inc., New Iberia, La., claimant, having consented to the destruction of the goods, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20156. Misbranding of Lippincott's One Night roup remedy. U.S. v. 11 Large Bottles, et al., of Lippincott's One Night Roup Remedy. Default decree of condemnation and destruction. (F. & D. No. 28547. Sample Nos. 5714-A, 5715-A.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 1, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 large bottles and 22 small bottles of Lippincott's One Night roup remedy, remaining in the original unbroken packages at Muncie, Ind., alleging that the article had been shipped in interstate commerce on or about June 19, 1932, by John W. Lippincott, from Newark, Ohio, to Muncie, Ind., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of non-miscible liquids, the upper layer consisting essentially of kerosene and coal-tar products and the lower layer consisting essentially of cresol, soap, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent: (Bottle label) "One Night Roup Remedy Has No Equal for Roup, Gapes, Canker, Chickenpox, Diarrhea. * * * Roup—Half teaspoonful of remedy put down fowl's throat. * * * If eyes are swollen bathe with remedy, bad cases morning and evening. * * * Preventive, teaspoonful in water or bran. Gapes: One small drop in throat will destroy, or few drops in water will prevent. Canker: Small doses three or four times a day. Chickenpox: Apply full strength to sores. Diarrhea: Treatment for fowls, same as roup. For chicks, same as Gapes"; (carton) "One Night Roup Remedy [Cut showing picture of sick chicken—"Get Me Lippincott's"] Has No Equal for Roup, Gapes, Cholera or Canker * * * For

Roup, Gapes, Canker and Colds * * * Roup Remedy Quickly Effects and a Marvelous Remedy * * * Roup—Half teaspoonful of remedy put down fowl's throat. * * * If eyes are swollen bathe with remedy, bad cases morning and evening; * * * Preventative one tablespoon in water or bran for twenty fowls. Gapes—One small drop in throat will destroy, or three drops in water will prevent. Canker—Small doses three or four times a day. Chickenpox—Apply full strength to sores. Diarrhea—Treatment for fowls same as Roup. For chicks, same as Gapes."

On October 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20157. Adulteration and misbranding of Thall's antiseptic roots: misbranding of Thall's cough syrup, female tonic, female tablets, rheumatic tablets, kidney tonic, nerve syrup, lung tonic, and la grippe capsules. U.S. v. David Thall (Thall's Home Remedy Laboratory). Plea of guilty. Fine, \$425. (F. & D. No. 28097. I.S. Nos. 28527, 28528, 28529, 30553, 30554, 30555, 30615, 30616, 30617.)

Examination of the drug preparations on which this case was based, disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. Thall's antiseptic roots were represented to be an antiseptic, whereas they were not antiseptic when used as directed. Thall's rheumatic tablets contained phenacetin, a derivative of acetanilid, and the label failed to state that phenacetin is a derivative of acetanilid. Several of the products were labeled "nonalcoholic," whereas they contained undeclared alcohol.

On October 11, 1932, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against David Thall, trading as Thall's Home Remedy Laboratory, Manchester, N.H., charging violation of the food and drugs act as amended. It was alleged in the information that the defendant had shipped on various dates during a period embracing a date uncertain in January, 1931, to and including July 7, 1931, from the State of New Hampshire into the State of Rhode Island, a quantity of Thall's antiseptic roots which were adulterated, and quantities of Thall's cough syrup, female tonic, female tablets, rheumatic tablets, kidney tonic, nerve syrup, lung tonic, and la grippe capsules, which products were misbranded. The articles were labeled in part: "The Thall's Home Remedies are carefully prepared and personally supervised by D. Thall * * * Thall's Cough Syrup (etc) * * * Prepared by [or "Manufactured for" or "Prepared for"] Thall's Home Remedy Laboratory Manchester, N.H." The cough syrup, female tonic, kidney tonic, nerve syrup, and lung tonic were further labeled, "non-alcoholic."

Analyses of samples of the articles by this Department showed that Thall's cough syrup consisted essentially of extracts of plant drugs, a benzoic acid compound, tar, a small proportion of creosote, sugar, alcohol (5.24 percent), and water, flavored with caramel; Thall's female tonic consisted essentially of extracts of plant drugs, sodium benzoate, sugar, alcohol (4.9 percent) and water; Thall's antiseptic roots consisted essentially of coarsely ground bitter dock and cranesbill. Bacteriological examination of the antiseptic roots showed that they were not antiseptic. Thall's female tablets contained extracts of plant drugs and strychnine (0.0234 grain per tablet); Thall's rheumatic tablets contained per tablet 2 grains of acetphenetidin, 1.5 grains of quinine, small proportions of extracts of plant drugs and caffeine; Thall's kidney tonic consisted essentially of extracts of plant drugs including valerian, a trace of alkaloids, small proportions of volatile oils including peppermint oil, sugar, alcohol (4.46 percent), and water; Thall's nerve syrup consisted essentially of extracts of plant drugs including valerian and licorice, a trace of alkaloids, sugar, alcohol (4.28 percent), and water, flavored with caramel; Thall's lung tonic consisted essentially of extracts of plant drugs including wild cherry and licorice, sodium benzoate (1.6 grams per 100 milliliters), sugar, alcohol (2 percent by volume), and water; Thall's la grippe capsules contained quinine sulphate (0.7 grain per capsule), ammonium chloride, camphor, and extracts of plant drugs.

Adulteration of the antiseptic roots was alleged in the information for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be